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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by the National Congress of American Indians, Native American Rights Fund, non-governmental organizations in special consultative status, Indian Law Resource Centre, a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Combating Violence against Indigenous Women by Implementing Decisions of the World Conference on Indigenous Peoples*

The UN Declaration on the Rights of Indigenous Peoples is a significant affirmation of the rights of indigenous women, youth, and children, including full protection and guarantees against all forms of violence and discrimination. Yet, the situation is dire for indigenous women and girls who are particularly vulnerable to human trafficking[1] and often suffer from multiple forms of discrimination and disproportionate violence and murder because of their gender and because they are indigenous and members of indigenous communities.[2] In 2011, the Special Rapporteur reported that violence against Native American women exceeds that of any other population in the United States.[3] American Indian and Alaska Native women are 2.5 times more likely to be sexually assaulted or raped than other women in the United States. The murder rate for some Native women is ten times the national average. In Alaska Native villages, "[w]omen have reported rates of domestic violence up to 10 times higher than in the rest of the United States and physical assault victimization rates up to 12 times higher."[4] To address the extreme situation of violence against indigenous women worldwide, consistent, dedicated attention to the rights of indigenous women and girls is urgently needed on an accelerated basis. The World Conference on Indigenous Peoples' outcome document contains decisions for implementing the UN Declaration that are crucial for protecting indigenous women. We offer modest, workable recommendations for putting these decisions into effect to prevent and eliminate violence against indigenous women and girls everywhere.

Violence against women is widespread,[5] a form of discrimination,[6] and "one of the most pervasive violations of human rights."[7] "Violence against women is a human rights violation that precludes the realization of all other human rights,"[8] causing international experts to call on UN member states to strengthen their legal frameworks on the rights of women and policies addressing violence against indigenous women.[9] Council Resolution 6/30 reaffirms the need to implement fully the human rights of women in all aspects of the work of the United Nations, including conferences such as the 2014 World Conference on Indigenous Peoples and their outcome documents.[10] Council

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[1] United Nations Economic and Social Council, Permanent Forum on Indigenous Issues, *Study on the extent of violence against indigenous women and girls in terms of article 22(2) of the United Nations Declaration on the Rights of Indigenous Peoples*, E/C.19/2013/9 (Feb. 12, 2013).

[2] United Nations Economic and Social Council, Permanent Forum on Indigenous Issues, *Study on the extent of violence against indigenous women and girls in terms of article 22(2) of the United Nations Declaration on the Rights of Indigenous Peoples*, E/C.19/2013/9 (Feb. 12, 2013).

[3] *Report of the Special Rapporteur on violence against Women, its causes and consequences, Ms. Rashida Manjoo, Addendum, Mission to the United States of America.* A/HRC/17/26/Add.5 (June 6, 2011).

[4] *A Roadmap for Making Native America Safer, A Report to the President and Congress of the United States*, Chapter 2, Reforming Justice for Alaska Natives, p. 41 (November 2013).

[5] *Statement by Ms. Rashida Manjoo, Special Rapporteur on Violence against women, its causes and consequences*, 59th Session, Commission on the Status of Women (March 9, 2015).

[6] United Nations Division for the Advancement of Women, *Background Paper for the Expert Group Meeting on Good Practices in Legislation on Violence Against Women*, U.N. Doc. EGM/GPLVAW/2008/BP.01 (May 2008), 3. UN Permanent Forum on Indigenous Issues, *Study on the extent of violence against indigenous women and girls in terms of article 22(2) of the United Nations Declaration on the Rights of Indigenous Peoples*, E/C.19/2013/1 (Feb. 12, 2013), 2.

[7] *Statement by the UN High Commissioner for Human Rights, Navi Pillay, on International Women's Day: Violence against women* (March 8, 2013).

[8] *Violence against women – Joint Press Release by UN and IACHR Rapporteurs*. Trinidad (28 April 2015). http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15939&LangID=E .

[9] United Nations Economic and Social Council, Permanent Forum on Indigenous Issues, *Combating Violence against Indigenous Women and Girls: Article 22 of the United Nations Declaration on the Rights of Indigenous Peoples*, E/C.19/2012/6 (Feb. 2012), 13. *See also Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo*, A/HRC/23/49 (May 2013).

[10] A/RES/69/2.

Resolutions 23/25 and 26/15 also recognize the urgent need to *accelerate* efforts to eliminate all forms of violence against women.

Recommendations for implementing key decisions of the World Conference

Article 22(2) of the UN Declaration directs states, in conjunction with indigenous peoples, to take measures to protect indigenous women and children against violence and discrimination. Similar to Council Resolution 6/30's call to integrate a gender perspective into all UN work, Article 22(1) urges states to pay particular attention to the rights and special needs of indigenous women and children in implementing the UN Declaration. The World Conference on Indigenous Peoples resulted in an outcome document containing key decisions crucial for protecting indigenous women. In paragraphs 17 and 18, states commit to support the empowerment of indigenous women and to intensify efforts to prevent and eliminate violence and discrimination against women by strengthening legal, policy, and institutional frameworks. In paragraphs 28, 31, and 40, states request further action by UN bodies, including consideration of an implementing body for the UN Declaration; development of a system-wide action plan by the Secretary-General to realize the ends of the UN Declaration; and the adoption of rules to enhance the participation of indigenous peoples' governments at the UN.

We recommend that the implementing body and the system-wide action plan pay particular attention to the rights of indigenous women and children, in order to ensure their full protection from all forms of violence and discrimination. Moreover, the implementing body must have a broad mandate with innovative elements to effectively promote, implement, and monitor states' compliance with the Declaration. The body should have authority to: gather and receive information from all sources; make country visits; conduct studies; write reports and recommendations; make general observations; share information about best practices; issue interpretations of the Declaration; take friendly measures to resolve conflicts through consensual solutions; and collaborate with other special mandate holders. The body should be balanced, with a sufficient number of independent experts – indigenous and non-indigenous – selected by both states and indigenous peoples' representative institutions. The implementing body should enhance, not duplicate, the important work of existing special procedures like the Permanent Forum and Special Rapporteurs. In response to the growing crisis posed by widespread violence against women, this Special Rapporteur has recommended the adoption of a binding international instrument on violence against women and girls.[11] The implementing body for the UN Declaration that we are recommending could serve as an important complementary body with necessary expertise on addressing violence against indigenous women and girls.

In paragraph 33 of the outcome document, states commit to consider, during the 70th session of the General Assembly, ways to enable the participation of indigenous peoples' representatives and institutions (governments) in meetings of relevant UN bodies on issues affecting them, including proposals made by the Secretary-General's report on the matter as requested in paragraph 40. We recommend the adoption of new rules by the General Assembly or other appropriate body to give indigenous governments greater rights of participation within the UN and a new status that respects them as rights-holders and global actors.

In paragraph 19, states request the Commission on the Status of Women to consider the empowerment of indigenous women and the Human Rights Council to consider examining the causes and consequences of violence against indigenous women and girls. To this end, we recommend:

1. The Commission on the Status of Women should designate the empowerment of indigenous women as an emerging issue for consideration at its next session in 2016; and
2. This Council should decide to:
   a. Hold a panel discussion to examine the causes and consequences of violence against indigenous women and girls during its annual discussion on the rights of women; and

[11] *Statement by Ms. Rashida Manjoo, Special Rapporteur on Violence against women, its causes and consequences,* 59th Session, Commission on the Status of Women (March 9, 2015).

b. Request a research-based report from the Secretary-General on the issue of violence against indigenous women and girls, including recommendations to the Human Rights Council to enhance the mandates of its existing special procedures and to request regular joint reports on the issue, perhaps on a regional basis.

These recommendations enjoy the support of 90 indigenous nations in the Americas and 21 indigenous organizations. We urge your consideration and support of these modest and workable recommendations.

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*Alliance of Tribal Coalitions To End Violence; California Association of Tribal Governments; Central Council of Tlingit Haida Indian Tribes of Alaska; Mending the Sacred Hoop; National Indigenous Women's Resource Center; Strong Hearted Native Women's Coalition, Inc.; Uniting Three Fires Against Violence; and WomenSpirit Coalition. NGO(s) without consultative status, also share the views expressed in this statement.